



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Four Rivers Field Office  
3948 Development Avenue  
Boise, Idaho 83705-5339



In Reply Refer To:  
4120 (ID110)  
1101006

January 3, 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 7008 0150 0002 5994 2705

John C. Brown  
2730 Council Cuprum Road  
Council, ID 83612

### **Notice of Field Manager's Proposed Decision**

Dear Mr. Brown:

This Proposed Decision is in response to requirements set forth in a settlement agreement and your September 1, 2003 Application for Permit Renewal (grazing management proposal) for the Armacost Individual Allotment (Armacost Individual Allotment #00012 Map).

#### **Introduction**

This Proposed Decision addresses grazing management in the Armacost Individual Allotment and if finalized, would serve as the Decision Record for Environmental Assessment (EA) DOI-BLM-ID-B010-2010-0057-EA, which this Proposed Decision incorporates by reference. This Proposed Decision reflects previous monitoring conducted in 2002, completion of an evaluation and determination in 2007 of the applicable Idaho Standards for Rangeland Health (Standards), and site visits in 2011.

#### **Background**

As a result of a settlement negotiated between the U.S. Department of Justice and Western Watersheds Project to resolve litigation (*WWP v. Lane*, Case No. 07-cv-394-BLW) challenging the Bureau of Land Management's (BLM) use of certain categorical exclusions to satisfy National Environmental Policy Act requirements, BLM withdrew seven grazing decisions, dated September 28, 2007. A court-ordered Stipulated Settlement Agreement (SSA), dated July 17, 2009, required the BLM to analyze renewal of the grazing permits in an EA.

The Armacost Individual Allotment is located 10 miles northwest of Council, Idaho. The 1,450 acre allotment includes 530 acres of BLM-administered (public) lands. Vegetation is characterized by shrub-dominated (66%), perennial grassland (6%), and exotic annuals (25%) community types (EA Section 3.1.1). There are 0.7 miles of perennial streams in proper functioning condition that support redband trout (EA Section 3.3.1). The allotment provides habitat for shrub-steppe and riparian associated wildlife, but is outside greater sage-grouse range (EA Section 3.2.1). The allotment was found to be meeting all applicable Standards (1, 2, 3, 4, 7, and 8) in 2007, and site visits confirmed these determinations in 2011 (EA sections 3.1.1, 3.2.1, and 3.3.1).

Livestock grazing in the Armacost Individual Allotment currently is authorized by the previous grazing permit issued November 13, 2003 (Table 1). That authorization will continue until the Proposed Decision becomes final and a new grazing permit is issued.

### **Proposed Decision**

In accordance with 43 CFR § 4110.1(b), upon my review of the record of performance for John C. Brown, I have determined that he has a satisfactory record of performance for the Armacost Individual Allotment. Therefore, it is my Proposed Decision as the authorized officer to:

- Renew the grazing permit for John C. Brown for the Armacost Individual Allotment. The permit would be for a term of 10 years (03/01/2014 to 02/28/2024).
- Authorize 50 AUMs of Active Use.
- Select Alternative B, as described in DOI-BLM-ID-B010-2010-0057-EA as shown below in Table 2, and modify the Other Terms and Conditions for the permit as shown in Alternative C.

John Brown currently grazes livestock within the Armacost Individual Allotment pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

**From: Alternative B - Continue Current Use.**

Table 1. Mandatory Terms and Conditions for the Armacost Individual Allotment, Adams County, Idaho.

Operator Name (Number)	Livestock		Season of Use	Federal Land	AUMs		
	Num.	Kind			Active	Suspended	Permitted
John C. Brown (1101006)	50	Cattle	4/01-4/30	50%	25	0	50
	50		11/01-11/30	50%	25		

**Allotment Specific Terms and Conditions**

1. Turn-out is subject to Boise District range readiness criteria.
2. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
3. Salt and/or supplement shall not be placed within (1/4) mile of the springs, streams, meadows, aspen stands, playas or water developments.
4. Changes to the scheduled use require prior approval.

5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Livestock exclosures located within your grazing allotment are closed to all domestic grazing use.
7. Range improvements must be maintained in accordance with the cooperative agreements and range improvements permits in which you are a signatory or assignee. All maintenance or range improvements within a wilderness study area require prior consultation with the authorize officer.
8. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn-out. Leases of land and/or livestock must be notarized prior to submission and be in accordance with the Boise District Policy.
9. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 dollars or 10 percent of the grazing bill, whichever is greater, not to exceed 250.00 payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR 4140.1(B)(1) and shall result in action by the authorized officer under 43 CFR 4150.1 and 4160.1-2.

The terms and conditions of the 10-year grazing permit, in accordance with alternatives B and C, would be as follows:

**To: Permit as modified to combine terms and conditions from Alternatives B - Continue Current Use and Alternative C -BLM Proposed Action.**

Table 2. Mandatory Terms and Conditions for the Armacost Individual Allotment, Adams County, Idaho.

Operator Name (Number)	Livestock		Season of Use	Federal Land	AUMs		
	Num.	Kind			Active	Suspended	Permitted
John C. Brown (1101006)	50	Cattle	4/01-4/30	50%	25	0	50
	50		11/01-11/30	50%	25		

**Other Terms and Conditions**

1. Livestock grazing must be conducted in accordance with the Terms and Conditions described in the Final Decision dated \_\_\_\_\_.
2. Livestock turn-out would be subject to District Range Readiness Criteria.
3. Changes to the scheduled use would require prior approval by the authorized officer.
4. You are required to submit a signed and dated Actual Grazing Use Report form (BLM Form 4130-5) for each allotment you graze. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
5. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations, eligible historic properties, or water developments. Use of supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.
6. A crossing permit may be required prior to trailing livestock across public lands. Crossing activities must be coordinated with the BLM prior to initiation. Permittee would also notify any/all affected permittees in advance of crossing.

7. Livestock exclosures located within your grazing allotment(s) would be closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permits in which you are a signatory or assignee. All maintenance activities which may result in ground disturbance require prior approval from the authorized officer.
9. Bird ladders that meet BLM standards must be installed and functioning on water troughs located on public lands. The permittee would inform BLM if bird ladders are needed on permanent troughs, and BLM would supply bird ladders. The permittee would be responsible for providing bird ladders for temporary troughs. It would be the permittee's responsibility to maintain and install all bird ladders.
10. Pursuant to 43 CFR 10.4(b), you must notify the BLM Field Manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal lands. Pursuant to 43 CFR 10.4(c), you must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
11. Permittees or lessees shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of public lands.

### **Rationale**

To comply with the court ordered SSA, the BLM analyzed three alternatives for grazing permit renewal in the Armacost Individual Allotment in EA#DOI-BLM-ID-B010-2010-0057-EA: Alternative A - No Grazing for a Ten-year Term, Alternative B – Continue Current Use, and Alternative C - BLM Proposed Action. Through the allotment evaluation and determination, it was shown that all applicable Rangeland Health Standards and Livestock Management Guidelines were being met in 2007. Site visits were conducted in 2011 and confirmed that resource conditions in the allotment were still meeting Standards, as documented in the project record. Implementation of livestock management in this proposed decision would continue to meet Standards and maintain or improve resource conditions because:

#### **Standard 1 (Watersheds)**

The standard would continue to be met with small areas of localized disturbance (EA Section 3.1.2.3).

Overall the ecological processes would continue to be met and to function within a normal range of variability and vegetative cover, biological soil crusts cover, and litter amount would be adequate to stabilize soils and cycle water and nutrients.

#### **Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel/Floodplains), and Standard 7 (Water Quality)**

The standards would continue to be met (EA Section 3.3.2.3). Left Fork Creek (0.4-stream-miles) and Badger Gulch (0.3-stream-miles) would remain in proper functioning condition. Each stream would continue to have dense deep-rooted riparian vegetation to provide streambank stability. Stream channels and floodplains would remain nearly 100% vegetated and stable. Use would occur during periods (e.g., early spring, late fall) when livestock would not be attracted to riparian areas. Slight to moderate use of willows could occur during the fall; however, this use period would not

adversely affect willows because they would be heading into dormancy and would have a full growing season to recover. Current levels of plant diversity, streambank stability, and water quality would be maintained over the long term.

#### **Standard 4 (Native Plant Communities)**

The standard would continue to be met (EA Section 3.1.2.3). Only minor shifts in vegetation attributes have taken place and there is a slight departure from what is expected for the site; issues are small in scale and localized (EA Section 3.1.1). Overall, native plant diversity (number and type of species) would be maintained at levels similar to Ecological Site Descriptions, and native herbaceous plants (bunchgrasses and forbs) and shrubs would remain vigorous and productive (capable of reproduction and recruitment). Light use early in the critical growth period, with the remaining use occurring when plants are dormant, coupled with a low stocking rate would help ensure that native perennial grasses, especially deep-rooted species, would be maintained or increase over the 10-year period. Shrubs would be maintained; however, minor bitterbrush hedging would occur on up to 41 acres during the fall use period. Spring trampling effects would occur in the allotment however, the current diversity and abundance of native species indicates these impacts would be negligible to minor over the long term.

#### **Standard 8 (Threatened and Endangered Plants and Animals)**

The standard would continue to be met for upland and riparian species (EA sections 3.2.2.3 and 3.3.2.3). Special status plants are not present. The allotment is located outside the known range of greater sage-grouse and Columbian sharp tailed grouse. Northern Idaho Ground Squirrels (NIDGS), listed under the Endangered Species Act in April 2000, have been documented by the Idaho Department of Fish and Game, adjacent to the Armacost Individual Allotment. Surveys have not been conducted in this particular region for several years. A field visit was made to the allotment site in July 2011 to identify NIDGS habitat. The documentation revealed a historic NIDGS colony; however, the former habitat on private land was converted to an agricultural field. Left Fork Creek provides good aquatic habitat conditions to support a viable redband trout population, including: dense shading, low width/depth ratios, appropriate sediment levels, and complex aquatic habitat. Badger Gulch does not support a fishery due to intermittent stream flows. No populations of bull trout or USFWS designated critical habitat occurs in BLM stream segments within the Goodrich Management Area boundaries, including Left Fork Creek and Badger Gulch (tributaries to North Fork Hornet Creek). A low stocking rate and partially deferred use would ensure grazing impacts during nesting and brood-rearing periods would be limited and that habitat conditions would be maintained over the long term.

#### **Conclusion**

I have determined the issuance of a grazing permit would be in conformance with the Cascade Resource Management Plan dated July 1, 1988, and that implementation of the livestock grazing management actions described in alternatives B and C of DOI-BLM-B010-2010-0057-EA would continue to meet Standards.

#### **Authority**

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, and the Federal Land Policy and Management Act of 1976, as promulgated through Title

43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration - Exclusive of Alaska.

My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans. The CRMP designates the Armacost Individual Allotment as available for livestock grazing.
- 4110.3 Changes in permitted use.
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management.
- 4130.3 Terms and conditions. Grazing permits must specify the terms and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This Proposed Decision would result in appropriate action(s) to continue existing grazing management; modifications to the Terms and Conditions would ensure that the allotment would continue to meet rangeland health standards.

### **Right of Protest and/or Appeal**

Any applicant, permittee, lessee or other interested publics may protest a Proposed Decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Terry Humphrey, Four Rivers Field Office Manager, 3948 Development Avenue, Boise ID 83705, within 15 days after receipt of such decision. The protest, if filed should clearly and concisely state the reason(s) why the Proposed Decision is in error.

In accordance with 43 CFR 4160.3(a), in the absence of a protest, the Proposed Decision will become the Final Decision of the authorized officer without further notice unless otherwise provided in the Proposed Decision.

In accordance with 43 CFR 4160.3(b), upon a timely filing of a protest, after a review of protest received and other information pertinent to the case, the authorized officer shall issue a Final Decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the Proposed Decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. In accordance with 43 CFR 4.401, BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Boise Field Solicitors Office, University Plaza, 960 Broadway Ave., Suite 400, Boise Idaho, 83706 and person(s) named [43 CFR 4.421(h)] in the *copies sent to*: section of this decision.

Should you wish to file a motion for stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471. In accordance with 43 CFR 4.401, BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact either Matt McCoy Four Rivers Assistant Field Manager at (208) 384-3343, or myself at 208-384-3430.

Sincerely,

Terry A Humphrey  
Four Rivers Field Manager

1 Enclosure:

- 1) Armacost Individual Allotment Map (1p)

cc:

Adams County Commissioners, C/O Joe Holmes, PO Box 48, Council, ID 83612

Burns Paiute Tribe, Tribal Chairman, 100 Pasigo Street, Burns, OR 97720

Confederate Tribes of The Umatilla, Tribal Chairman, 46411 Timine Way, Pendleton, OR 97801

Grazing Board Resource Area Representatives, Phil Soulen, C/O Soulen Livestock, 1760 Fairmont Drive, Weiser, ID 83672

Grazing Board Resource Area Representatives, Stan Boyd, PO Box 2596, Boise, ID 83701

Grazing Board Resource Area Representatives, Weldon Branch, Vice Chairman, 3621 North Crane Road, Midvale, ID 83645

Hells Canyon Preservation Council, PO Box 2768, La Grande, OR 978560

Honorable Congressman Raul Labrador, 1115 Albany Street, Caldwell, ID 83605

Honorable Senator Jim Risch, 350 North 9th Street, Suite 302, Boise, ID 83702

Honorable, Senator Mike Crapo, 251 East Front Street, Suite 205, Boise, ID 83702

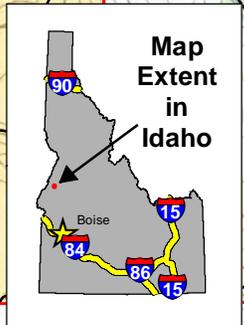
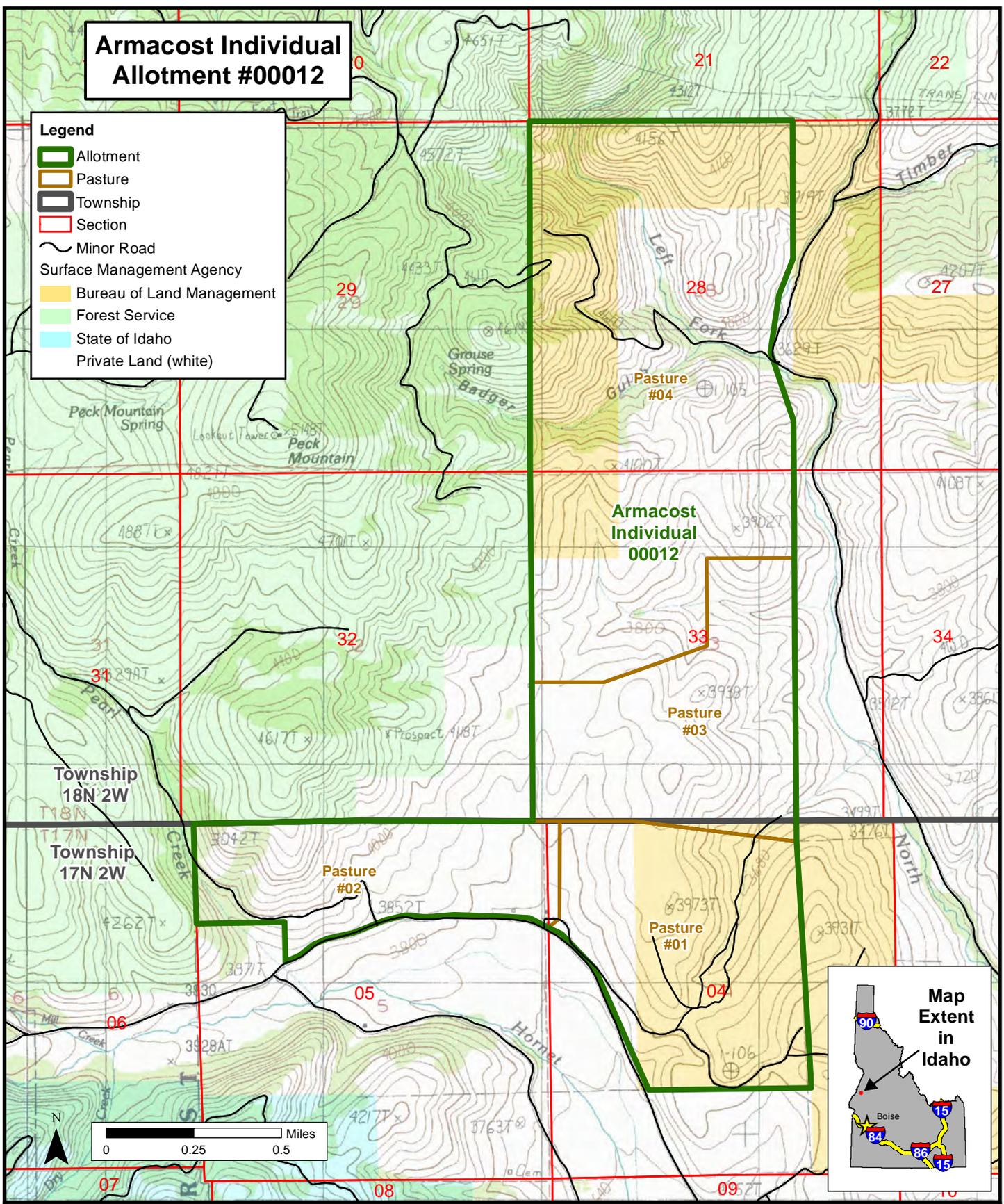
Idaho Conservation League, 710 N 6th Street, Boise, ID 83702

Idaho Department of Agriculture, PO Box 790, Boise, ID 83701  
Idaho Department of Fish & Game, C/O Rick Ward, 3101 South Powerline Road, Nampa, ID 83686  
Idaho Department of Lands, C/O Scott Corkill, 555 Deinhard Lane, McCall, ID 83638  
Idaho Department of Lands, Grazing Program Manager, PO Box 83720, Boise, ID 83720  
Idaho Wild Sheep Foundation, PO Box 8224, Boise, ID 83707-8224  
Nez Perce Tribes, Tribal Chairman, PO Box 305, Lapwai, ID 83540  
Oregon Dept of Fish & Game, C/O Brian Ratliff, 2995 Hughes Lane, Baker City, OR 97814  
Payette National Forest, 800 West Lakeside, McCall, ID 83638  
Shoshone-Bannock Tribe, Nathan Small, PO Box 306, Fort Hall, ID 83203  
Shoshone-Paiute Tribe, C/O Ted Howard, PO Box 219, Owyhee, NV 89832  
The Wilderness Society, 305 N. 9th St., Ste. 302, Boise, ID 83702  
US Fish and Wildlife Service, 1387 South Vinnell Way, Boise, ID 83709  
Washington County Commissioners, 256 East Court, Weiser, ID 83672  
Western Watersheds Project, PO Box 1770, Hailey, ID 83333

# Armacost Individual Allotment #00012

**Legend**

- Allotment
- Pasture
- Township
- Section
- Minor Road
- Surface Management Agency
  - Bureau of Land Management
  - Forest Service
  - State of Idaho
  - Private Land (white)



U.S. Department of the Interior  
 Bureau of Land Management, Idaho  
 Boise District, Four Rivers Field Office  
 Map date: January 3, 2014



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